

# **EXHIBIT 29**

## **Deposition of Javier Vazquez Excerpts**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

Cung Le, Nathan Quarry, Jon Fitch,) Case No: 2:15-cv-01045-RFB(PAL)  
Brandon Vera, Luis Javier Vazquez,) )  
and Kyle Kingsbury on behalf of ) )  
themselves and all others ) )  
similarly situated, ) )  
 ) )  
Plaintiffs, ) )  
 ) )  
vs. ) )  
 ) )  
Zuffa, LLC, d/b/a Ultimate ) )  
Fighting Championship and UFC, ) )  
 ) )  
 ) )  
Defendants. ) )

VIDEO DEPOSITION OF JAVIER VASQUEZ  
taken at, Boies, Schiller & Flexner,  
300 South Fourth Street, Suite 800,  
Las Vegas, Nevada 89101 beginning at 9:15 A.M.  
and ending at 3:46 P.M.on Wednesday, February 14, 2017

Reported by:  
Sarah Padilla, CCR NO. 929  
Job No. 296624 Pages 1-205

Page 66

1 MR. DELL'ANGELO: Objection. Calls for  
2 speculation. It's vague.

3 THE WITNESS: Yeah. I mean, yeah. That  
4 question is all over the board because, you know,  
5 part of it is the ranking, how valid that is. And  
6 the other thing too is circumstances. You know,  
7 sometimes fights drop out and you got to find last  
8 minute opponents, things of that nature. So  
9 anything is possible. There's a lot to that  
10 question.

11 BY MR. McSWEENEY:

12 Q Court reporter is handing you what has  
13 been marked as 42.

14 (Exhibit 42 was marked.)

15 BY MR. McSWEENEY:

16 Q Exhibit 42 is a somewhat unwieldy printout  
17 from Fight Matrix.com.

18 A Uh-huh.

19 Q Historical rankings. If you turn to the  
20 second page, you'll see at the top it's "Rankings in  
21 the division featherweight for the week of  
22 9/7/2009." Do you see that? It's at the -- just  
23 two or three lines down from the very top. Second  
24 page.

25 A This page.

Page 67

1 Q Yes, that's right.

2 A Selectives in the class. Fight Matrix  
3 published rankings. So what am I looking at now?

4 Q I'm just directing your attention to the  
5 portion that says this the rankings issued 9/7/2009  
6 division featherweight.

7 A 2009, okay.

8 Q So these are rankings of the featherweight  
9 fighters, MMA fighters in the week of 9/7/2009.

10 A Okay.

11 Q Have you ever referenced or taken a look  
12 at historical rankings on Fight Matrix?

13 A No.

14 MR. DELL'ANGELO: Object to the form.

15 THE WITNESS: No. I never even visited  
16 that website.

17 BY MR. McSWEENEY:

18 Q Looking at the first page, they have  
19 featherweight fighters ranked from 1 to 33.

20 A Uh-huh.

21 Q Take a moment to review that ranking and  
22 let me know if you generally agree with the order of  
23 the fighters ranked there?

24 MR. DELL'ANGELO: Object to the form. I  
25 mean as -- can you give him a time frame.

Page 68

1 BY MR. McSWEENEY:

2 Q The time frame is 9/7/2009?

3 A I have no idea.

4 Q In 2009, would you have regarded Mike  
5 Thomas Brown of as one of if not the best  
6 featherweight fighters in the world?

7 MR. DELL'ANGELO: Objection. Calls for  
8 speculation.

9 THE WITNESS: Was he -- I don't remember  
10 the timeline. But was he champion at the time, for  
11 a promotion?

12 BY MR. McSWEENEY:

13 Q That, I cannot tell you.

14 A Okay.

15 Q How about Urijah Faber?

16 MR. DELL'ANGELO: Object to the form.

17 BY MR. McSWEENEY:

18 Q Would you regard him as roughly the second  
19 best featherweight fighter in the world in September  
20 of 2009?

21 MR. DELL'ANGELO: Object to the form.

22 THE WITNESS: I never did rankings. I'm  
23 not -- I don't know. I never did rankings.

24 BY MR. McSWEENEY:

25 Q Sorry. If you turn to -- it's a little

Page 69

1 difficult because the pagination is all the same,  
2 but let's see if it's -- it is one, two, three,  
3 four, five, six, seven, eight, nine, ten, the  
4 twelfth page. It's the rankings that begin with  
5 Danny Batten at 101. There is a picture of  
6 Chewbacca at the top right, if that helps.

7 A Okay.

8 Q Do you see that?

9 A Yes.

10 Q Do you see your name at 102?

11 A I do.

12 Q Would you feel that this is a roughly  
13 accurate ranking of you in September 7, 2009 for the  
14 featherweight division?

15 MR. DELL'ANGELO: Objection. Calls for  
16 speculation.

17 THE WITNESS: I don't remember where I was  
18 in my career.

19 BY MR. McSWEENEY:

20 Q Right.

21 A I don't remember who I had beaten yet at  
22 that time.

23 Q Sorry. Do you recall when you fought LC  
24 Davis?

25 A Not that the exact date, no. I would have

Page 70

1 to go back to that fight record.  
 2 Q Do you recall it was August 9, 2009?  
 3 A That would be --  
 4 Q Yeah, you can take a look back at the  
 5 fight record. Sorry, I don't know what exhibit  
 6 number that is.  
 7 A Yeah, these dates are kind of a blur.  
 8 Q Sure.  
 9 A LC Davis was August 9, 2009, and you were  
 10 asking for if I was 102nd when?  
 11 Q Shortly -- roughly a month after your  
 12 fight with LC Davis.  
 13 A Okay.  
 14 Q Would that strike you as a roughly  
 15 accurate ranking?  
 16 MR. DELL'ANGELO: Objection. Calls for  
 17 speculation.  
 18 THE WITNESS: I have no idea.  
 19 BY MR. McSWEENEY:  
 20 Q Returning to the page, to the second page  
 21 where it's the first rankings with Mike Thomas Brown  
 22 at No. 1?  
 23 A Okay.  
 24 Q Would you, in September of 2009, have  
 25 regarded Mike Thomas Brown as an elite MMA fighter?

Page 71

1 MR. DELL'ANGELO: Object to the form to  
 2 the extent it calls for a legal conclusion and  
 3 speculation.  
 4 THE WITNESS: I would say during that time  
 5 period, Mike was very good so, yes, sure.  
 6 BY MR. McSWEENEY:  
 7 Q And in that same time period did you  
 8 regard Urijah Faber as an elite MMA fighter in your  
 9 opinion?  
 10 MR. DELL'ANGELO: Objection the extent it  
 11 calls for a legal conclusion and speculation.  
 12 THE WITNESS: Based on opinion or based on  
 13 the definition that's provided --  
 14 BY MR. McSWEENEY:  
 15 Q Your opinion.  
 16 A Urijah was very good.  
 17 Q Would you -- did you consider him an elite  
 18 MMA fighter in September of 2009 at the  
 19 featherweight division?  
 20 MR. DELL'ANGELO: Objection the extent it  
 21 calls for speculation and a legal conclusion.  
 22 THE WITNESS: I would say so.  
 23 BY MR. McSWEENEY:  
 24 Q Do you recall what promotion Mike Thomas  
 25 Brown fought for?

Page 72

1 A At that particular time?  
 2 Q Yes. In September of 2009.  
 3 MR. DELL'ANGELO: Object to the form.  
 4 Foundation.  
 5 THE WITNESS: I -- I don't. But, again,  
 6 that should be fairly easy to attain.  
 7 BY MR. McSWEENEY:  
 8 Q Sure. Do you recall -- and sounds like I  
 9 have been mispronouncing his name. Do you recall  
 10 what promotion Urijah or Urijah --  
 11 A Urijah.  
 12 Q Urijah Faber was fighting for in  
 13 September 7, 2009?  
 14 A I believe he --  
 15 MR. DELL'ANGELO: Object to the form.  
 16 Foundation.  
 17 THE WITNESS: Sorry. Again, I'm not  
 18 exactly sure on the date, but I am fairly  
 19 comfortable in saying he was fighting for the WEC at  
 20 the time.  
 21 BY MR. McSWEENEY:  
 22 Q How about at No. 20, do you see the name  
 23 Joe Warren?  
 24 A I do.  
 25 Q Do you know the fighter Joe Warren?

Page 73

1 A I do.  
 2 Q And in September of 2009 at the  
 3 featherweight division, did you consider Joe Warren  
 4 to be an elite MMA fighter, in your opinion?  
 5 MR. DELL'ANGELO: Objection to the extent  
 6 it calls for speculation.  
 7 THE WITNESS: I do. You know, a lot of  
 8 the guys that -- actually, you know what? I don't  
 9 know, to be honest with you.  
 10 BY MR. McSWEENEY:  
 11 Q And what -- sorry. What changed your  
 12 mind? Your response initially was, I do, and then  
 13 you do not know. What accounts for the doubt?  
 14 A Level of competition, I think.  
 15 Q Is it because you don't recall what Joe  
 16 Warren's level of competition is?  
 17 A At that time, no. At that time, no, I'd  
 18 have to go back and see exactly who he was fighting  
 19 and -- and, again, cross reference all his  
 20 opponents, you know. I do extensive research before  
 21 I try to say someone's elite or not.  
 22 Q Do you see ranked No. 4 Hatsu Hioki?  
 23 A Uh-huh.  
 24 Q Do you know who Hatsu Hioki is?  
 25 A I do.

1 Q And in September of 2009 in the  
2 featherweight division, did you consider Hatsu Hioki  
3 to be an elite MMA fighter in your opinion?

4 MR. DELL'ANGELO: Objection to the extent  
5 it calls for speculation.

6 THE WITNESS: Interesting thing about  
7 Hioki is that there -- we're comparing apples to  
8 oranges, I feel. Because you have fighters that you  
9 have mentioned, some of which fight for the same  
10 organization, others fight for a different  
11 organization, others fight for a different  
12 organization. Each one of those organizations had  
13 varying competition and varying rules. So  
14 because -- and varying platforms where they were  
15 competing in fighting surfaces. Does that make  
16 sense? Do you understand what I am saying?

17 BY MR. McSWEENEY:

18 Q Pardon me. Continue.

19 A So they are fighting in different types of  
20 enclosures, which varied the result of a fight. So  
21 we're not talking about apples to apples and oranges  
22 to oranges here.

23 Q So is it your opinion that the rankings  
24 themselves are not enough to tell you whether a  
25 fighter was elite or not?

1 A Again, rankings were -- are opinions, some  
2 of which some people have them and they may or may  
3 not know much about the sport. I don't know who  
4 does Fight Matrix's rankings and I don't know who  
5 does a lot of people's rankings. So anybody can say  
6 anything.

7 Q If a fighter is ranked ahead of you as 101  
8 are in this instance --

9 A Uh-huh.

10 Q -- would that be to you evidence that they  
11 are elite MMA fighters?

12 MR. DELL'ANGELO: Objection to the form to  
13 the extent it calls for a legal conclusion and  
14 speculation.

15 THE WITNESS: Yeah, I mean, rankings alone  
16 don't mean too much to me. They're just people's  
17 opinions.

18 BY MR. McSWEENEY:

19 Q When you say that rankings aren't reliable  
20 because they're just people's opinions, are you  
21 referring to all rankings or just the rankings that  
22 we are looking at in this document?

23 MR. DELL'ANGELO: Objection. Misstates  
24 the witness's testimony.

25 THE WITNESS: I don't like "all," because

1 there could be very educated journalists, analysts,  
2 whatever you'd like that are very excused in the  
3 sport and some opinions are valued more than others.  
4 BY MR. McSWEENEY:

5 Q In your opinion, are there rankings that  
6 you view as reliable?

7 A No.

8 Q I'm going to have the court reporter hand  
9 you what's been marked as Exhibit 43.

10 (Exhibit 43 was marked.)

11 BY MR. McSWEENEY:

12 Q Exhibit 43 is a similar but slightly more  
13 legible version of that document, although, if you  
14 turn to page 2 at the top, you'll see these are  
15 featherweight rankings from Fight Matrix for  
16 October 1, 2010. Do you see that? It should be on  
17 the --

18 A The first one?

19 Q Now, turn that. It is on the opposite  
20 side of the first page?

21 A This one?

22 Q No. Flip it over. Now turn the page.  
23 Look at the top on the left-hand side.

24 A Since, yeah --

25 Q Do you see that?

1 A -- 10/1/2010?

2 Q Yes.

3 A Okay.

4 Q Do you recall where in your career you  
5 were in October 2010?

6 A I don't.

7 Q Do you want to refer to your fight --

8 A October 2010?

9 Q Yes?

10 A It was right before I fought Mendez, so  
11 that was November 11. Okay.

12 Q Do you see -- returning the rankings, do  
13 you see your name listed at No. 29?

14 A Yes.

15 Q Would you have viewed this as roughly  
16 accurate ranking in October of 2010?

17 MR. DELL'ANGELO: Objection. Calls for  
18 speculation.

19 THE WITNESS: Do I think it is accurate?  
20 I don't know.

21 BY MR. McSWEENEY:

22 Q Would you have viewed, in October of 2010,  
23 Jose Aldo as the best featherweight MMA fighter in  
24 the world?

25 MR. DELL'ANGELO: Objection. Calls for